

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 905 - HB 1171**

March 16, 2023

**SUMMARY OF BILL:** Authorizes a court to impose a sentence less than the minimum under law when sentencing a minor convicted as an adult, if the judge determines that a lesser sentence serves the interests of justice. Prohibits courts from sentencing juvenile offenders to life without the possibility of parole.

Authorizes an individual who was convicted as an adult for an offense committed when the individual was a minor, and who has served at least 20 years imprisoned, to file a motion for a sentence reduction. Authorizes a court to reduce the duration of a sentence imposed on an individual for an offense committed when the individual was a minor if the court determines that the individual is not a danger to the public and the interests of justice will be better served by a reduced sentence.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Pursuant to Tenn. Code Ann. § 37-1-134(a)(1)(B), a juvenile offender who is transferred to adult criminal court is prohibited from receiving a sentence of death for the offense for which the child was transferred.
- Pursuant to Tenn. Code Ann. § 39-13-202(c)(1), a person convicted of first-degree murder shall be punished by:
  - Death;
  - Imprisonment for life without possibility of parole; or
  - Imprisonment for life.
- The proposed legislation prohibits juvenile offenders who are transferred to adult criminal court from being sentenced to life without the possibility or parole, including a juvenile convicted of first-degree murder.
- Pursuant to Tenn. Code Ann. § 40-35-501(h)(2), a person convicted of first-degree murder on or after July 1, 1995 is required to serve 100 percent of 60 years, provided that earned credits may reduce the sentence imposed by up to 15 percent.
- The average time served for first-degree murder is 26.34 years.
- Prohibiting a juvenile offender from being sentence to imprisonment for life without the possibility of parole may lead to a decrease in incarceration costs sometime after FY24-50. However, pursuant to Public Chapter 1007 of 2022, cost decreases are to be

**SB 905 - HB 1171**

estimated on the actual estimated costs to be reduced over the next three-year period; therefore, any decrease in time served as a result of the proposed legislation surpass the window of this analysis and will not significantly impact incarceration costs.

- The proposed legislation authorizes an individual who was convicted as an adult for an offense committed when the individual was a minor and who has been imprisoned for at least 20 years, to file a motion for a sentence reduction.
- The number of inmates who would be eligible to file a motion for a sentence reduction as a result of the proposed legislation is unknown; however, any decrease to state incarceration expenditures associated with such sentence reduction is estimated to be not significant.
- Based on information provided by the Administrative Office of the Courts, any increase in the number of petitions filed for a sentence reduction can be accommodated within existing resources and personnel.
- Passage of the proposed legislation will not result in a significant change in the number of juveniles in the Department of Children's Services (DCS) custody; therefore, any fiscal impact to the DCS is estimated to be not significant.

#### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/vh